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August 22, 2002

NEPA Task Force
P.O. Box 221150
Salt Lake City, UT 84122Subject: Implementation of the National Environmental Policy Act

To Whom It May Concern:

We are writing to provide comments on your Federal Register Notice of July 9, 2002. It is our general concern that your Task Force takes into account the needs of state and local agencies and avoids significant duplication of effort and additional state mandates in your reassessment of NEPA requirements. The Port of Los Angeles is the lead agency under the California Environmental Quality Act (CEQA) for projects within its jurisdiction. We frequently prepare or participate with a federal agency or their designee in the preparation of joint NEPA and CEQA documents.

We also provide the following specific comments.

Study Area B

- Regional branches of a federal agency are sometimes not consistent with guidance from Washington, D.C. For example, the Los Angeles District of the U.S. Army Corps of Engineers (ACOE) has required mitigation measures on operational activities of an existing cargo terminal. This appears to contradict the ACOE NEPA guidance, which states "... in order to prevent the unwarranted situation where 'the Federal tail wags the non-Federal dog' the scope of analysis would be confined to the environmental effects of only the activity requiring a Corps permit." (Federal Register Vol. 53, No. 22, page 3121).
- When federal agencies require a local lead to work through another agency to address NEPA, the process can become cumbersome. For example, in California, in order to get approvals or funding from the Federal Highway Administration (FHA) we work through Caltrans. Sometimes it is not clear that Caltrans is interpreting federal policy accurately and there is no way to verify information or procedures. There also exists an ongoing issue of timeliness of response in working with Caltrans. Caltrans already requires six months for

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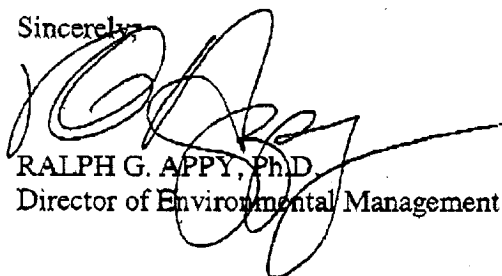
processing of a simple exclusion. There needs to be additional oversight of these designees or more specific written guidance.

Study Area D

- An alternative to examine for improving NEPA implementation is to provide a process that allows federal agencies or their branches the flexibility to adopt state environmental documents as NEPA equivalents. When joint documentation is required, the federal agency or their designee could then act more as a cooperating agency.
- The State of California through CEQA has its own Mitigation Monitoring and Reporting Program requirements. Accordingly, for those states that already have a program in place, additional mitigation monitoring would be redundant. We recommend that federal agencies be directed to adopt those portions of state-mandated mitigation monitoring programs that pertain to their jurisdiction rather than requiring separate, redundant federal programs.

We hope that the Task Force will take these issues into account when drafting new procedures and policies. If you have any questions contact me at (310) 732-3675.

Sincerely,



RALPH G. APPY, Ph.D.
Director of Environmental Management

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